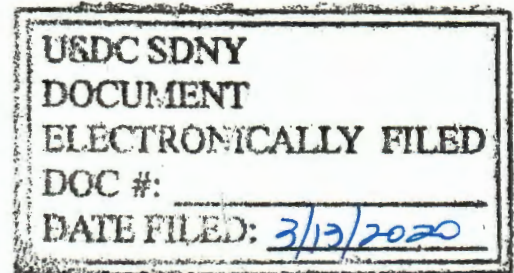


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



- - - - - x

UNITED STATES OF AMERICA

- v. -

LEYVI CASTILLO,

Defendant.

:

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: 18 Cr. 879 (SHS)

:

- - - - - x

WHEREAS, on or about December 12, 2018, LEYVI CASTILLO, (the "defendant"), among others, was charged in four counts of a sixteen-count Indictment, 18 Cr. 879 (SHS) (the "Indictment"), with conspiracy to defraud the United States with respect to claims, in violation of Title 18, United States Code, Section 286 (Count One); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Four); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2 (Count Seven); and subscribing to a false return, in violation of Title 26, United States Code, Section 7206(1) (Count Thirteen);

WHEREAS, the Indictment included a forfeiture allegation as to Count Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses

charged in Count Four of the Indictment, including but not limited to, inter alia, a sum of money in United States representing the amount of proceeds traceable to the commission of the offenses charged in Count Four of the Indictment;

WHEREAS, on or about March 12, 2020, the defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count Four of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$100,000 in United States currency, representing proceeds traceable to the commission of the offense charged in Count Four of the Indictment;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$100,000 in United States currency representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count Four of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Ni Qian of counsel, and the defendant, and his counsel, Michael Sporn, Esq., that:

1. As a result of the offense charged in Count Four of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$100,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, LEYVI CASTILLO, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and

Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number

4. The United States Department of Treasury or its designee shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney

Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: NI Qian / DGO
NI QIAN
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2364

3/12/20
DATE

LEYVI CASTILLO

By: [Signature]
LEYVI CASTILLO

3/12/20
DATE

By: [Signature]
MICHAEL H. SPORN, ESQ.
Attorney for Defendant
Law Offices of Michael H. Sporn
299 Broadway Suite 800
New York, NY 10007

3/12/20
DATE

SO ORDERED:

[Signature]
HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

3/12/2020
DATE